

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Second
Amended Accusation
Against:**

Dale Robert Stemple, M.D.

Case No. 800-2015-014255

**Physician's and Surgeon's
Certificate No. C 36399**

Respondent

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on August 22, 2019.

IT IS SO ORDERED July 23, 2019.

MEDICAL BOARD OF CALIFORNIA

By: 
Kristina D. Lawson, J.D., Chair
Panel B

1 XAVIER BECERRA
Attorney General of California
2 STEVEN D. MUNI
Supervising Deputy Attorney General
3 JANNSEN TAN
Deputy Attorney General
4 State Bar No. 237826
1300 I Street, Suite 125
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7 *Attorneys for Complainant*

8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the 2nd Amended Accusation
Against:

14 **DALE ROBERT STEMPLE, M.D.**
15 **22150 Vine Ct**
16 **Palo Cedro, CA 96073-8706**

17 **Physician's and Surgeon's Certificate No. C**
36399

18 Respondent.

Case No. 800-2015-014255

OAH No. 2018060515

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPRIMAND

19
20 In the interest of a prompt and speedy settlement of this matter, consistent with the public
21 interest and the responsibility of the Medical Board of California of the Department of Consumer
22 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
23 For Public Reprimand which will be submitted to the Board for approval and adoption as the final
24 disposition of the Accusation.

25 **PARTIES**

26 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
27 of California (Board). She brought this action solely in her official capacity and is represented in
28

1 this matter by Xavier Becerra, Attorney General of the State of California, by Jannsen Tan,
2 Deputy Attorney General.

3 2. Respondent Dale Robert Stemple, M.D. (Respondent) is represented in this
4 proceeding by attorney, Nicole Hendrickson, Esq., of La Follette, Johnson, DeHaas, Fesler &
5 Ames, whose address is: 655 University Avenue, Suite 119 Sacramento, CA 95825.

6 3. On or about March 24, 1975, the Board issued Physician's and Surgeon's Certificate
7 No. C 36399 to Dale Robert Stemple, M.D. (Respondent). The Physician's and Surgeon's
8 Certificate was in full force and effect at all times relevant to the charges brought in Accusation
9 No. 800-2015-014255, and will expire on April 30, 2019, unless renewed.

10 **JURISDICTION**

11 4. 2nd Amended Accusation No. 800-2015-014255 was filed before the Board, and is
12 currently pending against Respondent. The Accusation, 2nd Amended Accusation and all other
13 statutorily required documents were properly served on Respondent on April 13, 2018, and
14 February 27, 2019 respectively. Respondent timely filed his Notice of Defense contesting the
15 Accusation and 2nd Amended Accusation.

16 5. A copy of the 2nd Amended Accusation No. 800-2015-014255 is attached as exhibit A
17 and incorporated herein by reference.

18 **ADVISEMENT AND WAIVERS**

19 6. Respondent has carefully read, fully discussed with counsel, and understands the
20 charges and allegations in 2nd Amended Accusation No. 800-2015-014255. Respondent has also
21 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
22 Settlement and Disciplinary Order for Public Reprimand.

23 7. Respondent is fully aware of his legal rights in this matter, including the right to a
24 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
25 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
26 to the issuance of subpoenas to compel the attendance of witnesses and the production of
27 documents; the right to reconsideration and court review of an adverse decision; and all other
28 rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2015-014255, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

RESERVATION

12. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Medical Board of California or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

13. The parties agree that this Stipulated Settlement and Disciplinary Order for Public Reprimand shall be submitted to the Board for its consideration in the above-entitled matter and, further, that the Board shall have a reasonable period of time in which to consider and act on this Stipulation after receiving it. Respondent acknowledges that he shall not be permitted to withdraw from this Stipulation unless it is rejected by the Board.

14. The parties agree that this Stipulated Settlement and Disciplinary Order for Public Reprimand shall be null and void and not binding upon the parties unless approved and adopted by the Board, except for this paragraph, which shall remain in full force and effect. Respondent fully understands and agrees that in deciding whether or not to approve and adopt this Stipulation,

1 the Board may receive oral and written communications from its staff and/or the Attorney
2 General's office. Communications pursuant to this paragraph shall not disqualify the Board, any
3 member thereof, and/or any other person from future participation in this or any other matter
4 affecting or involving Respondent. In the event that the Board, in its discretion, does not approve
5 and adopt this Stipulation, with the exception of this paragraph, it shall not become effective,
6 shall be of no evidentiary value whatsoever, and shall not be relied upon or introduced in any
7 disciplinary action by either party hereto. Respondent further agrees that should the Board reject
8 this Stipulation for any reason, Respondent will assert no claim that the Board, or any member
9 thereof, was prejudiced by its/his/her review, discussion and/or consideration of this Stipulation
10 or of any matter or matters related hereto. Respondent acknowledges that the Board shall not be
11 disqualified from further action in this matter by virtue of its consideration of this matter.

12 **ADDITIONAL PROVISIONS**

13 15. This Stipulated Settlement and Disciplinary Order for Public Reprimand is intended
14 by the parties herein to be an integrated writing representing the complete, final and exclusive
15 embodiment of the agreements of the parties in the above-entitled matter.

16 16. The parties agree that facsimile copies of this Stipulated Settlement and Disciplinary
17 Order for Public Reprimand, including facsimile signatures of the parties, may be used in lieu of
18 original documents and signatures and, further, that facsimile copies and signatures shall have the
19 same force and effect as originals.

20 17. In consideration of the foregoing admissions and stipulations, the parties agree the
21 Board may, without further notice to or opportunity to be heard by Respondent, issue and enter
22 the following Disciplinary Order:

23 **DISCIPLINARY ORDER**

24 **A. PUBLIC REPRIMAND**

25 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C 36399 issued
26 to Respondent Dale Robert Stemple, M.D. shall be and hereby is publicly reprimanded pursuant
27 to Business and Professions Code section 2227, subdivision (a)(4) as follows:
28

1 “You failed to adequately obtain and/or document additional lyme disease evaluations and
2 consultations for Patient B. You failed to administer, monitor and/or document a urine test for
3 Patient D. You failed to perform and/or document an evaluation of previous substance abuse
4 history for Patient E. “

5 **B. PRESCRIBING PRACTICES COURSE**

6 Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a
7 course in prescribing practices approved in advance by the Board or its designee. Respondent
8 shall provide the approved course provider with any information and documents that the approved
9 course provider may deem pertinent. Respondent shall participate in and successfully complete
10 the classroom component of the course not later than six (6) months after Respondent’s initial
11 enrollment. Respondent shall successfully complete any other component of the course within
12 one (1) year of enrollment. The prescribing practices course shall be at Respondent’s expense
13 and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of
14 licensure. .

15 A prescribing practices course taken after the acts that gave rise to the charges in the
16 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
17 or its designee, be accepted towards the fulfillment of this condition if the course would have
18 been approved by the Board or its designee had the course been taken after the effective date of
19 this Decision.

20 Respondent shall submit a certification of successful completion to the Board or its
21 designee not later than 15 calendar days after successfully completing the course, or not later than
22 15 calendar days after the effective date of the Decision, whichever is later. Any violation of this
23 condition or failure to complete the course shall be considered unprofessional conduct and
24 grounds for further disciplinary action.

25 **C. MEDICAL RECORD KEEPING COURSE**

26 Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a
27 course in medical record keeping approved in advance by the Board or its designee. Respondent
28 shall provide the approved course provider with any information and documents that the approved

1 course provider may deem pertinent. Respondent shall participate in and successfully complete
2 the classroom component of the course not later than six (6) months after Respondent's initial
3 enrollment. Respondent shall successfully complete any other component of the course within
4 one (1) year of enrollment. The medical record keeping course shall be at Respondent's expense
5 and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of
6 licensure.

7 A medical record keeping course taken after the acts that gave rise to the charges in the
8 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
9 or its designee, be accepted towards the fulfillment of this condition if the course would have
10 been approved by the Board or its designee had the course been taken after the effective date of
11 this Decision.

12 Respondent shall submit a certification of successful completion to the Board or its
13 designee not later than 15 calendar days after successfully completing the course, or not later than
14 15 calendar days after the effective date of the Decision, whichever is later. Any violation of this
15 condition or failure to complete the course shall be considered unprofessional conduct and
16 grounds for further disciplinary action.

ACCEPTANCE

17 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
18 discussed it with my attorney, Nicole Hendrickson Esq. I understand the stipulation and the
19 effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated
20 Settlement and Disciplinary Order For Public Reprimand voluntarily, knowingly, and
21 intelligently, and agree to be bound by the Decision and Order of the Medical Board of
22 California.

23
24 DATED: 3/11/19

Dale R. Stemple
DALE ROBERT STEMPEL, M.D.
Respondent

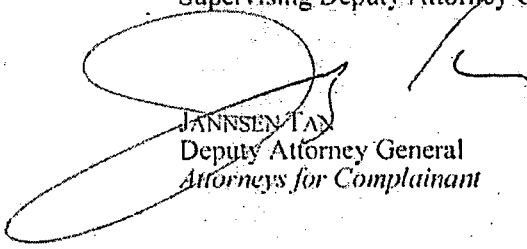
1 I have read and fully discussed with Respondent Dale Robert Stemple, M.D. the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order
3 For Public Reprimand. I approve its form and content.

4
5 DATED: 3/15/19 Nicole Hendrickson
6 NICOLE HENDRICKSON, ESQ.
7 *Attorney for Respondent*

8 ENDORSEMENT

9 The foregoing Stipulated Settlement and Disciplinary Order For Public Reprimand is
10 hereby respectfully submitted for consideration by the Medical Board of California.

11 Dated: 3/25/2019
12 Respectfully submitted,
13 XAVIER BECERRA
14 Attorney General of California
15 STEVEN D. MUNI
16 Supervising Deputy Attorney General

17 
18 JANNSEN TAN
19 Deputy Attorney General
20 *Attorneys for Complainant*

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Exhibit A

Second Amended Accusation

800-2015-014255

1 XAVIER BECERRA
Attorney General of California
2 STEVEN D. MUNI
Supervising Deputy Attorney General
3 JANNSEN TAN
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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Feb 27 2019
BY ANALYST

8
9 BEFORE THE
MEDICAL BOARD OF CALIFORNIA
10 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
11

12 In the Matter of the Second Amended
Accusation Against:

13 Dale Robert Stemple, M.D.
14 22150 Vine Ct.
Palo Cedro, CA 96073-8706
15

16 Physician's and Surgeon's Certificate
No. C 36399,

17 Respondent.
18

Case No. 800-2015-014255

OAH No.

SECOND AMENDED ACCUSATION

19 Complainant alleges:

20 PARTIES

21 1. Kimberly Kirchmeyer (Complainant) brings this Second Amended Accusation
22 (Accusation) solely in her official capacity as the Executive Director of the Medical Board of
23 California, Department of Consumer Affairs (Board).

24 2. On or about March 24, 1975, the Medical Board issued Physician's and Surgeon's
25 Certificate No. C 36399 to Dale Robert Stemple, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and will expire on April 30, 2021, unless renewed.

28 ///

JURISDICTION

3. This Second Amended Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code states:

"(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

"(1) Have his or her license revoked upon order of the board.

"(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

"(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

"(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

"(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

"(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1."

5. Section 2234 of the Code, states:

"The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

1 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
2 violation of, or conspiring to violate any provision of this chapter.

3 “(b) Gross negligence.

4 “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
5 omissions. An initial negligent act or omission followed by a separate and distinct departure from
6 the applicable standard of care shall constitute repeated negligent acts.

7 “(1) An initial negligent diagnosis followed by an act or omission medically appropriate
8 for that negligent diagnosis of the patient shall constitute a single negligent act.

9 “(2) When the standard of care requires a change in the diagnosis, act, or omission that
10 constitutes the negligent act described in paragraph (1), including, but not limited to, a
11 reevaluation of the diagnosis or a change in treatment, and the licensee’s conduct departs from the
12 applicable standard of care, each departure constitutes a separate and distinct breach of the
13 standard of care.

14 “(d) Incompetence.

15 “(e) The commission of any act involving dishonesty or corruption which is substantially
16 related to the qualifications, functions, or duties of a physician and surgeon.

17 “(f) Any action or conduct which would have warranted the denial of a certificate.

18 “(g) The practice of medicine from this state into another state or country without meeting
19 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not
20 apply to this subdivision. This subdivision shall become operative upon the implementation of the
21 proposed registration program described in Section 2052.5.

22 “(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and
23 participate in an interview by the board. This subdivision shall only apply to a certificate holder
24 who is the subject of an investigation by the board.”

25 6. Section 2266 of the Code states: “The failure of a physician and surgeon to maintain
26 adequate and accurate records relating to the provision of services to their patients constitutes
27 unprofessional conduct.”

28 ///

FIRST CAUSE FOR DISCIPLINE
(Repeated Negligent Acts –Patient B, D, and E)

7. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of the code, in that he committed repeated negligent acts in his care and treatment of Patients B, D, and E as more particularly alleged hereinafter.

Patient B

8. On or about October 13, 2003, Respondent saw Patient B for an initial evaluation. Patient B was a 36-year-old, female patient. Patient B filled out a registration and patient consent form on the same date.

9. Respondent noted that Patient B was subsequently seen on or about July 14, 2005.

10. Patient B had lyme serologies done on or about May 16, 2007 with a positive screen and a negative Western blot.

11. On or about July 19, 2007, Respondent saw Patient B. Respondent documented the chief complaint as "2 mo of right sided facial pain." She was documented to have a positive lyme titer that had been treated with doxycycline and amoxicillin. Patient B was also treated with Tegretol. She had a lymph node biopsy and a positive titer for bartonella henselae diagnostic of Cat Scratch Disease.

12. During the period of May 2007 through December 2008, Respondent saw Patient B multiple times for multiple issues including but not limited to facial pain, lyme disease and trigeminal neuralgia.

13. On or about October 17, 2013, Respondent saw Patient B for an office visit. Respondent documented the chief complaint as "fatigue, wellness." Respondent documented that "[Patient B] feels she is going downhill; her tremors have intensified. She feels exhausted. She has more pain in her joints and muscles. She is ready to go back on antibiotics for lyme disease. We will give one mo. of high-dose amoxicillin followed by one mo. of Zithromax and Tindamax."

14. During the period of 2013 to 2015, Respondent treated Patient B for Lyme disease. Despite multiple courses of antibiotics, Patient B's symptoms did not significantly improve.

1 Respondent failed to document a written consult with a specialist. Patient B has had continued
2 antibiotics with minimal improvement of her symptoms.

3 15. Respondent committed repeated negligent acts in his care and treatment of Patient B
4 which included, but were not limited to the following:

5 A. Respondent failed to adequately obtain and/or document additional lyme disease
6 evaluations and consultations for Patient B.

7 Patient D

8 16. On or about August 2, 2012, Respondent saw Patient D for an initial evaluation.
9 Patient D was a 75-year-old male who was seen for diabetes mellitus, renal failure, coronary
10 artery disease, chronic back pain and degenerative joint disease of both lower extremities.

11 17. Patient D passed away at his home on or about January 30, 2016. He was found to
12 have a large quantity of unused fentanyl patches in his home at the time of his death. His pain
13 had been managed with topical fentanyl. Respondent failed to utilize and/or document urine
14 screens.

15 18. Respondent committed repeated negligent acts in his care and treatment of Patient D
16 which included, but were not limited to, failing to administer, monitor and/or document a urine
17 test.

18 Patient E

19 19. On or about September 16, 2009, Respondent saw Patient E for an office visit.
20 Patient E was a 45-year-old female who complained of lumbar and cervical spine disease. Her
21 pain medications were managed with monthly visits and she had a variety of other medications
22 used over the five years she was managed. She had a TENS unit and an application for a power
23 wheelchair.

24 20. Patient E reported that her medications were stolen on August 12, 2010 and on
25 multiple occasions tried other people's pain medications. Respondent reprimanded Patient E for
26 non-compliance. She continued to have modifications in her medications, and on or about July
27 20, 2011, she was "weaned down" on her MS Contin. She had problems with depression and had
28 some improvement with Wellbutrin. She had a pelvic fracture on or about November 25, 2012,

1 which significantly increased her pain medications by other providers and Respondent made
2 efforts to taper her narcotics with marginal success.

3 21. On or about May 30, 2014, Patient E had a urinary drug screen done and was positive
4 for hydromorphone, but negative for opioids prescribed to her by Respondent. She had the results
5 explained to her and because she did not comply with her pain contract, she was discharged from
6 the practice.

7 22. Respondent committed repeated negligent acts in his care and treatment of Patient E
8 which included, but were not limited to:

9 A. During the period of 2011 to 2015, Respondent failed to perform and/or document an
10 evaluation of previous substance abuse history.

11 **SECOND CAUSE FOR DISCIPLINE**
12 **(Failure to Maintain Adequate and Accurate Medical Records)**

13 23. Respondent is further subject to discipline under sections 2227 and 2234, as defined
14 by section 2266, of the Code, in that during the period of 2011 to 2015, he failed to maintain
15 adequate and accurate medical records in the care and treatment of Patients B, D, and E, as more
16 particularly alleged hereinafter: Paragraphs 7 through 22, above, are hereby incorporated by
17 reference and realleged as if fully set forth herein.

18 **DISCIPLINARY CONSIDERATIONS**

19 24. To determine the degree of discipline, if any, to be imposed on Respondent Dale
20 Robert Stemple, M.D., Complainant alleges that on or about August 11, 1999, in a prior
21 disciplinary action entitled *In the Matter of the Accusation Against Dale Robert Stemple, M.D.*,
22 before the Medical Board of California, in Case Number 12-1995-46029, Respondent's license
23 was revoked, revocation stayed, and placed on probation for five (5) years with terms and
24 conditions, including psychotherapy, prohibition from practicing invasive cardiac procedures,
25 education course, ethics course, oral clinical or written examination, psychiatric evaluation,
26 monitoring, proctoring and other standard terms and conditions. It was alleged that Respondent
27 engaged in gross negligence in the treatment and care of ten (10) patients. That decision is now
28 final and is incorporated by reference as if fully set forth herein.

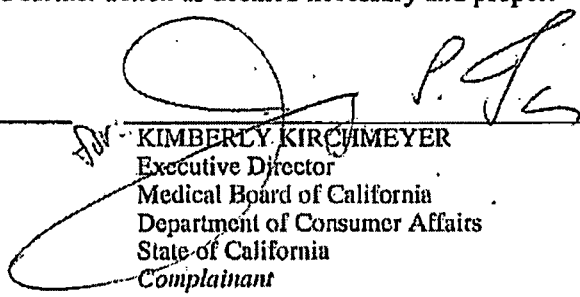
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PRAYER

. WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate No. C 36399, issued to Dale Robert Stemple, M.D.;
2. Revoking, suspending or denying approval of Dale Robert Stemple, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Dale Robert Stemple, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: 2/27/2019


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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